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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,157	03/27/2001	Tomoko Fujita	DP-748 US	7096
7590 12/15/2004				
McGinn & Gibb, PLLC 8321 Old Courthouse Road, Suite 200 Vienna, VA 22182-3817				
		EXAMINER		
		JONES, PRENELL P		
		ART UNIT PAPER NUMBER		
		2667		

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,157

Applicant(s)

FUJITA, TOMOKO

Examiner

Prenell P Jones

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed **150** words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Kato et al and Yoshida.

Art Unit: 2667

Regarding claims 1-4 and 6, Hayashi discloses a digital communication system and method wherein the architecture of a (Fig. 3, col. 7, line 59 thru col. 9, line 28) transmitter device that includes video/audio encoders coupled to corresponding buffer/memory and packet circuits which in turn is indirectly coupled to a multiplex controller and multiplexer, compressed data is stored in buffer/memory, and the multiplex controller reads video/audio data stored in buffer/memories and writes packet data of read video/audio and associated control data to memory. Hayashi is silent on multiplexing smooth/continuous data outputted from data storage and an audio detector that generates write control signal for controlling video and audio encoders, and generates audio detected signal to control multiplexing controller, and (col. 4, line 60 thru col. 5, line 17, col. 6, line 33 thru col. 8, line 3) generating parts SG1, SG2 and SG3. In the field of data transmission, Kato discloses (Abstract, Fig. 1, col. 4, line 44-67) a transmission method and apparatus wherein the architecture includes a plurality of encoders with corresponding buffers, buffers are provided at the output side of the encoder to smooth change of code quantity (smooth video/audio data before being sent to multiplexer), multiplexing circuit whereby data streams outputted from the buffer is multiplexed, and system accommodates video input, but the system can also be applied to accommodating audio signals, and Yoshida discloses (Abstract, Figs. 2 & 2, page 3, col. 3, line 39-48, page 2, col. 1, line 1-51) a data transfer system that provides for an improved video conference system that has multiple image and audio data formats so that if the current required data transfer rate is beyond a current capacity of a general communication line in use, then the currently used image/audio data formats are changed so as to continue the transfer of the voice data, wherein the architecture includes a plurality of data transmission devices indirectly coupled together, such as, a first/second terminal devices which includes a first/second compressors wherein the first compressor (encoder) is connected to a first cameras/microphone at the input (audio detector)

Art Unit: 2667

to capture image/voice data, whereby the cameras/microphones send signals to communicate to the controller and compressor, a second compressor (encoder) is connected to a (page 7, col. 1, line 32-51, page 9, col. 2, line 24-28) second camera/microphone to capture image/voice data, first/second multiplexers for multiplexing image/voice data, (col. 2, line 20-55) receiving buffers, (page 4, col. 2, line 31 thru page 5, col. 1, line 47) monitoring unit (controller) for monitoring the transfer and processing of multiplexed data, controller unit for controlling the transfer and processing speed of image/voice data, (page 9, col. 2, line 24-67) microphone which receives/detects audio signals and communicates with compressed image data, first and second de-compressor directly connected to first and second speakers. Yoshida further discloses (page 6, col. 2, line 24-30, page 8, col. 1, line 57 thru col. 2, line 25, page 10, col. 2, line 19-20) monitoring the amount of data accumulated in storage for subsequent transfer, so that when the amount of data accumulated in storage exceeds a predetermined level, then the controller unit performs control operations. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement multiplexing smooth/continuous data outputted from data storage as taught by the teachings of Kato for the purpose of maintaining continuous communication associated with the transmission of data. It would have been further obvious to one of ordinary skill in the art at the time of the invention to implement an audio detector that generates write control signal for controlling video and audio encoders, and generates audio detected signal to control multiplexing controller in a data communication system as taught by Yoshida for the purpose of instructing the compressed data is to be stored (written) in buffers after compression process to further control transmitted data associated with the multiplexing function.

Art Unit: 2667

Regarding claim 6, as indicated above, Yoshida discloses (Abstract, Figs. 2 & 2, page 3, col. 3, line 39-48, page 2, col. 1, line 1-51) a data transfer system that provides for an improved video conference system that has multiple image and audio data formats so that if the current required data transfer rate is beyond a current capacity of a general communication line in use, then the currently used image/audio data formats are changed so as to continue the transfer of the voice data, wherein the architecture includes a plurality of data transmission devices indirectly coupled together, such as, a first/second terminal devices which includes a first/second compressors wherein the first compressor (encoder) is connected to a first cameras/microphone at the input (audio detector) to capture image/voice data, whereby the microphones/microphones send signals to communicate to the controller and compressor, a second compressor (encoder) is connected to a (page 7, col. 1, line 32-51, page 9, col. 2, line 24-28) second camera/microphone to capture image/voice data, first/second multiplexers for multiplexing image/voice data, (col. 2, line 20-55) receiving buffers, (page 4, col. 2, line 31 thru page 5, col. 1, line 7 thru col. 2, line 6) monitoring unit for monitoring the transfer and processing of multiplexed data, monitoring unit recognizes data (audio/video), controller unit for controlling the processing speed of image/voice data, monitoring unit recognizes overload and amount of data in storage unit, (page 9, col. 2, line 24-67) microphone which receives/detects audio signals and communicates with compressed image data, first and second de-compressor directly connected to first and second speakers. Yoshida further discloses (page 6, col. 2, line 24-30, page 8, col. 2, line 2-16, page 10, col. 2, line 19-20) monitoring the amount of data accumulated in storage for subsequent transfer, so that when the amount of data accumulated in storage exceeds a predetermined level, then the controller unit performs control operations.

Art Unit: 2667

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Kato et al and Yoshida as applied to claims 1-4 and 6 above, and further in view of that which is well known in the art.

Regarding claim 5, Hayashi discloses a digital communication system and method wherein the architecture of a (Fig. 3, col. 7, line 59 thru col. 9, line 28) transmitter device that includes video/audio encoders coupled to corresponding buffer/memory and packet circuits which in turn is indirectly coupled to a multiplex controller and multiplexer, compressed data is stored in buffer/memory, and the multiplex controller reads video/audio data stored in buffer/memories and writes packet data of read video/audio and associated control data to memory, Kato discloses (Abstract, Fig. 1, col. 4, line 44-67) a transmission method and apparatus wherein the architecture includes a plurality of encoders with corresponding buffers, buffers are provided at the output side of the encoder to smooth change of code quantity (smooth video/audio data before being sent to multiplexer), multiplexing circuit whereby data streams outputted from the buffer is multiplexed, and system accommodates video input, but the system can also be applied to accommodating audio signals, and Yoshida discloses (Abstract, Figs. 2 & 2, page 3, col. 3, line 39-48, page 2, col. 1, line 1-51) a data transfer system that provides for an improved video conference system that has multiple image and audio data formats so that if the current required data transfer rate is beyond a current capacity of a general communication line in use, then the currently used image/audio data formats are changed so as to continue the transfer of the voice data, wherein the architecture includes a plurality of data transmission devices indirectly coupled together, such as, a first/second terminal devices which includes a first/second compressors wherein the first compressor (encoder) is connected to a first cameras/microphone at the input (audio detector) to capture image/voice data, whereby the

Art Unit: 2667

microphones/microphones send. However, Hayashi, Kato and Yoshida are silent on continuing transmission/input of video data regardless of the levels of transmitted/input audio signals.

Examiner takes official notice that it is well known to one of ordinary skill in the art to implement the continuation of the input/transmission of image/video data independently of the transmission/input of audio data within a communication system as associated with everyday modern technology for instance, desktop computer w/sound, electronic entertainment (home/public) and electronic communicating with the combined teachings of Hayashi, Kato and Yoshida' audio/video communication system for the purpose of further continuing a communication session without the use of sound which may accommodate users personal communication requirements during a communication session. For example, the user maybe communicating via a secondary communication session (conference) that requires the user's full attention, therefore, volume or audio is not required. On the other hand, the user may not require sound/audio as associated with a primary communication session (conference), which user is first committed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2667

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

December 13, 2004

A handwritten signature in black ink, appearing to read "Prenell Jones", written over the printed name and date.